

II. REMARKS

Claims 1, 6-22, 24, 26, 32, 34, 35, and 39-49 are pending in this application. By this Amendment, claims 2-5, 23, 25, 27-31, 33, 36-38 are canceled, claims 39-49 are added, and claims 1, 8, 17, 22, 26, 32, 34, and 35 are amended to clarify the scope of the invention and to place this application into better condition for examination. The amendments are supported by the specification and the claims as originally filed. For example, the amendments to claim 1 are supported by originally filed claims 3 and 5, and the specification at page 21, lines 6-13 and page 31, lines 13-14. The amendments to claim 8 are supported by originally filed claims 7 and 8 and Example 1 on page 38 of the specification. Meanwhile, the amendments to claim 22 are supported on page 31, lines 11-13. Claims 26, 34 and 35 were amended to comply with U.S. patent practice. Further, new claims 39-49 are supported by Examples 1-3 of the present specification. No new matter is added.

Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement in view of the above amendments to the claims. Applicants respectfully submit that the present claims 1, 6-22, 24, 26, 32, 34, 35, and 39-49 are linked by a general inventive concept under PCT Rule 13.1. For example, Applicants submit that present claims 1, 6-22, 24, 26, 32, 34, 35, and 39-49 are linked by the claimed combination of intermediates, reagents, solvents, and/or reaction conditions. In particular, the presently claimed invention discloses a process for synthesis of nitrate alkyl esters of NSAIDs of formula (ML_{T1}A_{T2}-COO-X-ONO₂ (IV)) in which alkylsulfonyl-substituted esters intermediates (III) (see, e.g., claim 32) are converted to the corresponding nitrate esters at a low temperature (e.g., a maximum temperature of


90°C in step 3 of present claim 1). Applicants also note that the International Search Authority (ISA) did not find any lack of unity of invention in the claims of related PCT Application No. PCT/SE2003/001465 from which the pending application is a national stage thereof. Accordingly, Applicants respectfully request examination of the pending claims on the merits.

As such, in response to the Restriction Requirement, Applicants hereby provisionally elect Group I: present claims 1, 6–22, and 24, drawn to a process for making and use of the compound of Formula IVa, with traverse. Applicants respectfully submit that claims 26, 32, 34, 35, and 39–49 should be prosecuted with the claims of elected Group I, as claims 39–49 are dependent upon claim 1, and claims 26, 32, 34, and 35 are linked by a single general inventive concept (e.g., synthesis of nitrate alkyl esters of NSAIDs of formula (ML_{T1}A_{T2}-COO-X-ONO₂ (IV)) in which alkylsulfonyl-substituted esters intermediates (III) (see, e.g., claim 35) are converted to the corresponding nitrate esters).

In view of the Applicants' above provisional election, Applicants respectfully submit that the Restriction Requirement has been satisfied. Applicants reserve the right to file one or more divisional applications directed to the non-elected claims.

Please charge any fee deficiency or credit any overpayment in connection with this paper to Deposit Account Number 01-2300, referencing attorney-docket no. 026220-00064.

Respectfully submitted,



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Enclosure: Petition for Extension of Time (one month)